

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 PM-04 NSC-05 SP-02 SS-15 L-03 PRS-01

CIAE-00 INR-07 NSAE-00 OMB-01 TRSE-00 ACDA-07 H-02

/057 W

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R 300931Z JUL 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8200

INFO SECDEF WASHDC

JCS WASHDC

CINCPAC

CINCPACAF

CINCPACFLT

CINCPACREPPHIL SUBIC

CG 13TH AF CLARK

C O N F I D E N T I A L SECTION 1 OF 2 MANILA 11287

FROM USDEL 166

CINCPAC ALSO FOR POLAD

G

I.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILLIPHINE BASE NEGOTIATIONS: OFFICIAL SUMMARY
RECORD 7/28/76

TRANSMITTED BELOW IS THE TEXT OF THE OFFICIAL SUMMARY
RECORD FOR THE NEGOTIATING SESSION OF JULY 28, 1976.

QUOTE: THE PANELS CONVENED IN PLENARY SESSION AT 10:00
A.M. JULY 28, FOLLOWING A WEEK'S RECESS TO PERMIT THE
WORKING GROUPS TO PREPARE AD REFERENDA ARTICLES FOR PLENARY
CONSIDERATION. AMBASSADOR ROMUALDEZ INQUIRED AS TO WHAT
THE STATUS OF A DRAFT WOULD BE AFTER CONSIDERATION BY THE
PLENARY, NOTING SUCH CONSIDERATION SHOULD HAVE SOME BINDING
EFFECT ON THE STATUS OF THE DRAFT ARTICLE UNLESS WITHIN SOME
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PRESCRIBED PERIOD OF TIME THE PLENARY DECIDED TO RECON-

SIDER IT. AMBASSADOR SULLIVAN AGREED, NOTING THAT IN SOME CASES AGREEMENT ON ONE DRAFT ARTICLE WOULD BE CONTINGENT ON THE LANGUAGE IN ANOTHER ARTICLE OR ARTICLES. THE PANELS ALSO AGREED TO DO SINGLE DRAFTS OF AGREED ARTICLES WITH DISAGREED LANGUAGE IN PARENTHESES, AND TO IDENTIFY, WHERE POSSIBLE, THOSE PORTIONS OF AN ARTICLE CONTINGENT ON OTHER ARTICLES.

"THE PANELS TOOK UP THESE PROPOSED DRAFT PREAMBLE. THE PHILIPPINE PANEL NOTED THAT IT HAD SEVERAL CHANGES TO THE AD REFERENDUM PREAMBLE INVOLVING HOW THE MUTUAL DEFENSE TREATY AND PHILIPPINE SOVEREIGNTY SHOULD BE ADDRESSED IN THE PREAMBLE. EACH PANEL OUTLINED ITS VIEWS ON THESE MATTERS. AMBASSADOR ROMUALDEZ NOTED THAT THE PHILIPPINE PANEL DESIRED TO REFER TO THE MUTUAL DEFENSE TRATY AS THE TREATY OF AUGUST 30, 1951, FOLLOWING THE PATTERN OF THE JOINT COMMUNIQUE OF DECEMBER 7, 1975, AND THAT THE PHILIPPINE PANEL BELIEVED THAT SOVEREIGNTY, DIGNITY AND TERRITORIAL INTEGRITY OF EACH PARTY SHOULD BE ADDRESSED IN SEPARATE PARAGRAPHS.

"AMBMASSADOR SULLIVAN EXPLAINED THE US POSITION THAT THE PREAMBLE MUST REFER SPECIFICALLY TO THE MUTUAL DEFENSE TREATY AS A MATTER OF PRINCIPLE, AND SHOULD REFER TO THE OBLIGATIONS OF THE TWO PARTIES UNDER IT. HE HOTED THE US BELIEF THAT MUTUAL RESPECT FOR THE SOVEREIGNTY, DIGNITY AND TERRITORIAL INTEGRITY OF EACH NATION SHOULD BE ADDRESSED IN ONE PARAGRAPH.

"AFTER FURTHER DISCUSSION, THE PANELS AGREED ON A PREAMBLE TEXT WITH DISAGREEMENT INPARENTHESES. (COPY ATTACHED AS ANNEX A). IT WAS ALSO AGREED THAT THE CHAIMEN SHOULD RE-EXAMINE THE TEXT WITH A VIEW TO RESOLVING DISAGREED LANGUAGE. SENATOR PELAEZ ALSO SUGGESTED A DIFFERENT FORMULATION OF THE PREAMBLE TO BE WORKED SIMILAR TO THAT OF THE MARCOS-FORD JOINT COMMUNIQUE. HE STATED THAT THIS WAS HIS PERSONAL SUGGESTION. IT WAS AGREED THAT ALL SUGGETSIONS ON THE PROPOSED DRAFT PREAMBLE WOULD BE CONSIDERED IN THE DISCUSSION OF THE TWO CHAIRMEN.

"THE PANELS THEN TOOK UP THE JOINT COMMISSION ARTICLE. THE US PANEL AGREED THAT IF THE MUTUAL DEFENSE TREATY WAS MENTIONED IN THE PREAMBLE AND THE TERM OF AGREEMENT ARTICLE, THERE WOULD BE NO NEED TO MENTION IT BY TITLE IN THE JOINT CONFIDENTIAL

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COMMISSION ARTICLE. THE PHILIPPINE PANEL SUGGESTED THAT THE COMPOSITION OF THE COUNCIL OF MINISTERS WHICH IS THE PHILIPPINE SECRETARY OF FOREIGN AFFAIRS AND THE US SECRETARY OF STATE BE STATED IN THE DRAFT ARTICLE. THE PHILIPPINE PANEL ALSO STATED ITS DESIRE TO ADD A COMMITTEE ON LABOR UNDER THE AEGIS OF THE JOINT COMMISSION. AMBASSADOR SULLIVAN NOTED THAT THERE IS ALREADY A LABOR COMMITTEE ESTABLISHED UNDER THE BASE LABOR AGREEMENT, AND THAT THE

US BELIEVES AS A MATTER OF PRINCIPLE THAT THE BLA MUST
REMAIN IN EXISTENCE.

"AFTER A BRIEF DISCUSSION, THE PANELS AGREED ON THE
JOINT COMMISSION ARTICLE WITH DISAGREED LANGUAGE IN PAREN-
THESES (COPY ATTACHED AS ANNEX B) NOTING THAT MENTION OF
THE MDT IS CONTINGENT ON THE PREAMBLE AND TERM OF AGREEMENT
ARTICLE, AND THAT INCLUSION OF A COMMITTEE ON LABOR IS
CONTINGENT ON THE LABOR ARTICLE.

"THE PANELS AGREED ON THE CONSTRUCTION ARTICLE (COPY
ATTACHED AS ANNEX C).

"IT WAS AGREED THAT IN VIEW OF THE JULY 29 MEETING OF
THE MUTUAL DEFENSE BOARD, THE PLENARY WOULD RECONVENE
FRIDAY, JULY 30, AND THOSE WORKING GROUPS ABLE DO DO SO
WOULD MEET JULY 30.

THE SESSION ADJOURNED AT 12/15 P.M." (END SUMMARY)

ANNEX A.

PREAMBLE:

"THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA,

"REITERATING THEIR CONTINUING COMMITMENT TO THE PURPOSES
AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS AND
THEIR STEADFAST DESIRE TO LIVE IN PEACE WITH ALL NATIONS,

"SHARING A DEEP AND ABIDING CONCERN FOR THE SECURITY
AND WELL BEING OF BOTH NATIONS AS EXPRESSED IN THE (US:
MUTUAL DEFENSE) TREATY OF AUGUST 30, 1951,

"(US: STANDING FIRM IN THEIR RESOLVE TO PURSUE THE
OBJECTIVES AND FULFILL THEIR OBLIGATIONS UNDER THAT TREATY,)

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/057 W

----- 073146

R 300931Z JUL 76

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 8201

INFO SECDEF WASHDC
JCS WASHDC
CINCPAC
CINCPACAF
CINCPACFLT
CINCPACREPPHIL SUBIC
CG 13TH AF CLARK

C O N F I D E N T I A L SECTION 2 OF 2 MANILA 11287

FROM USDEL 166

CINCPAC ALSO FOR POLAD

"RECOGNIZING THAT THE STRENGTHENING OF THE FOUNDATIONS
FOR A PROSPEROUS AND PEACEFUL COMMUNITY OF NATIONS IN
THE REGION ENTAILS BOTH ECONOMIC AND SECURITY UNDER-
TAKINGS,

"(US: BELIEVING IN THE ESTABLISHMENT OF SECURITY AND
DEFENSE ARRANGEMENTS, WHICH INCLUDE THE USE BY UNITED
STATES MILITARY FORCES OF FACILITIES WITHIN CERTAIN
PHILIPPINE BASES, PREMISED ON FULL RESPECT FOR THE
SOVEREIGNTY, DIGNITY, AND TERRITORIAL INTEGRITY OF
EACH NATION,)

"(RP: WISHING TO ESTABLISH SECURITY ARRANGEMENTS
BASED ON FULL RESPECT FOR THE SOVEREIGNTY, DIGNITY AND
TERRITORIAL INTEGRITY OF EACH NATION,)

"REAFFIRMING THAT THIS AGREEMENT ENHANCES THE DEFENSE
CAPABILITIES OF BOTH NATIONS, STRENGTHENING THE SECURITY
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OF THE REGION, AND CONTRIBUTES TO THE MAINTENANCE OF
WORLD PEACE,

"EMPHASIZING THAT THIS AGREEMENT IS FOR PURELY DEFEN-
SIVE PURPOSES AND NOT DIRECTED AGAINST ANY OTHER NATION,
BUT IS INTENDED TO PRESERVE THE INDEPENDENCE AND PROMOTE
THE WELFARE OF THEIR TWO PEOPLES,

"HAVE AGREED AS FOLLOWS: " (END PREAMBLE)

END ANNEX A.

ANNEX B.

"1. UNDER THE COUNCIL OF MINISTERS (U.S. : WHICH HAS
BEEN CREATED PURSUANT TO THE MUTUAL DEFENSE TREATY OF
AUGUST 30, 1951), (RP: COMPOSED OF THE PHILIPPINE SECRETARY
OF FOREIGN AFFAIRS AND THE US SECRETARY OF STATE) THERE
IS ESTABLISHED A JOINT COMMISSION TO OVERSEE AND FACILITATE
CONSULTATION AND COOPERATION BETWEEN APPROPRIATE PHILIPPINE
AND UNITED STATES AUTHORITIES ON MATTERS OF MUTUAL CONCERN

REGARDING THE IMPLEMENTATION OF THIS AGREEMENT INCLUDING THE RESOLUTION, WHERE POSSIBLE, OF ISSUES OR PROBLEMS THAT MIGHT ARISE.

"2. THE JOINT COMMISSION WILL BE COMPOSED OF FOUR REPRESENTATIVES, TWO OF WHOM SHALL BE NAMED BY THE PHILIPPINES AND TWO BY THE UNITED STATES. EACH GOVERNMENT SHALL DESIGNATE ONE OF ITS REPRESENTATIVES AS CO-CHAIRMAN, AND THE OTHER AS DEPUTY. PROVISIONS MAY BE MADE BY EACH GOVERNMENT FOR ALTERNATE REPRESENTATIVES TO BE NAMED TO ACT IN THE ABSENCE OF EITHER ITS CO-CHAIRMAN OR ITS DEPUTY.

"3. THE FOLLOWING COMMITTEES WILL FUNCTION UNDER THE JOINT COMMISSION:

"A. COMMITTEE ON ADMINISTRATION

"B. COMMITTEE ON METES AND BOUNDS

"C. COMMITTEE ON LEGAL AFFAIRS

"(RP: D. COMMITTEE ON LABOR)

"(US: E. COMMITTEE ON CRIMINAL JURISDICTION IMPLEMENTATION)

"THE JOINT COMMISSION MAY ESTABLISH SUCH OTHER COMMITTEES OR REORGANIZE THE ABOVE COMMITTEES AS MAY BE APPROPRIATE FOR THE DISCHARGE OF ITS RESPONSIBILITIES. THE TERMS OF REFERENCE OF ALL COMMITTEES ARE SUBJECT TO THE APPROVAL
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OF THE JOINT COMMISSION.

"4. THE JOINT COMMISSION SHALL REPORT TO THE COUNCIL OF MINISTERS ON ITS ACTIVITIES ON A SEMI-ANNUAL BASIS, AND IN ALL CASES WHEN THE IMPORTANCE OF THE MATTER SO INDICATES. IT WILL MEET AT THE CALL OF EITHER CO-CHAIRMAN, BUT IN ANY EVENT REGULAR MEETINGS WILL BE HELD AT LEAST QUARTERLY. ALL MEETINGS OF THE JOINT COMMISSION WILL BE HELD IN EXECUTIVE SESSION. THE RELEASE OF INFORMATION CONCERNING DECISIONS OR ACTIVITIES OF THE JOINT COMMISSION SHALL BE AGREED UPON BY THE REPRESENTATIVES.

"5. THE JOINT COMMISSION SHALL ACT UPON AND, THROUGH AGREEMENT BETWEEN THE REPRESENTATIVES OF THE TWO GOVERNMENTS, RESOLVE ALL ISSUES OR PROBLEMS THAT MAY ARISE IN THE IMPLEMENTATION OF THIS AGREEMENT. IF THE JOINT COMMISSION IS UNABLE TO RESOLVE ANY MATTER, IT SHALL REFER THAT MATTER TO THE COUNCIL OF MINISTERS FOR FURTHER CONSIDERATION.

"6. A PERMANENT SECRETARIAT OF THE JOINT COMMISSION, COMPOSED OF SUCH PHILIPPINE AND UNITED STATES PERSONNEL AS MAY BE AGREED UPON BY THE JOINT COMMISSION, WILL PERFORM SUCH SPECIFIC DUTIES AS MAY BE DIRECTED BY THE JOINT COMMISSION. THE PROVISIONS OF NECESSARY CLERICAL AND ADMINISTRATIVE SUPPORT SHALL BE ARRANGED BY THE JOINT COMMISSION. THE PHILIPPINE GOVERNMENT WILL PROVIDE SUITABLE OFFICES FOR THE JOINT COMMISSION. ALL OTHER EXPENSES WILL BE SHARED JOINTLY.

"7. THE PERMANENT SECRETARIAT OF THE JOINT COMMISSION SHALL BE CHARGED WITH THE DAILY HANDLING OF ROUTINE MATTERS, AND THE PREPARATION OF THOSE MATTERS WHICH MUST BE SUBMITTED TO THE JOINT COMMISSION FOR CONSIDERATION.

"8. THE JOINT COMMISSION WILL HAVE ITS HEADQUARTERS IN MANILA, BUT MAY HOLD MEETINGS IN OTHER PLACES AT THE REQUEST OF EITHER CO-CHAIRMAN, SUCH PLACE TO BE DETERMINED BY MUTUAL AGREEMENT.Z (END ANNEX B).

ANNEX C.

"CONSTRUCTION IN FACILITIES.

"ANY MAJOR NEW CONSTRUCTIONS AND IMPROVEMENTS IN THE FACILITIES, OR ANY MAJOR ALTERATIONS WHICH RESULT IN
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SUBSTANTIAL STRUCTURAL CHANGES TO EXISTING CONSTRUCTIONS, SHALL BE SUBJECT TO PRIOR AGREEMENT BETWEEN THE PHILIPPINES AND THE UNITED STATES, AS REPRESENTED BY THE PHILIPPINE BASE COMMANDER THE THE UNITED STATES FACILITIES COMMANDER."

(END ANNEX C).

SULLIVAN

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